IN THE DRAWINGS

Applicants acknowledge that the Examiner accepted the drawings filed on February 27, 2005.

REMARKS

Claims 1-10 are allowed. Applicants appreciate the allowance of claim 1-10. By this amendment, claims 11, 12 are amended and new claims 21-23 are added without introducing any new subject matter. Accordingly, claims 1-23 are pending in the present application. The Examiner's objections and rejections are respectfully traversed.

In the Office Action, claims 12-20 were objected to as allegedly being dependent from a rejected base claim. Claim 12, being dependent upon independent claim 11, has been rewritten in independent form to include all of the limitations of the independent claim 11. Applicants respectfully request that the Examiner's objections to claims 12-20 and the rejection of claim 11 be withdrawn.

Claim 11 stands rejected under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent No. 6, 816, 912 to Borella *et al.* (hereinafter, "*Borella*"). Applicants respectfully traverse the Examiner's § 102 rejections. An anticipating reference, by definition, must disclose every limitation of the rejected claim in the same relationship to one another as set forth in the claim. Claim 11, among other things, calls for a method of transmitting a packet in a wireless network comprising <u>determining a predetermined policy and selectively</u> causing a node to assume a role of a home network <u>based on the predetermined policy</u> for a mobile station (MS). Based on the above-indicated legal standard, it is respectfully submitted that the *Borella* reference fails to anticipate claim 11. Thus, claim 11 and claims dependent therefrom are in condition for allowance which is respectfully requested of the Examiner.

With regard to independent claim 11, Applicants describe and claim, among other things, determining a predetermined policy for at least one of a user and a session associated with a packet and selectively causing a node, such as a Packet Data Service Node (PDSN), to assume a role of a home network for a mobile station (MS) based on the predetermined policy. When the node assumes the role of the home network, the node receives one or more response packets from a service provider server <u>without intervention from the home network</u>. To determine how to handle a user's packets, the node may access a policy server. The policy server may be set to apply a proxy setting. For example, the predetermined policy may be obtained from the policy server to <u>identify packets</u> that are to be processed in accordance with the Standard and <u>for transmission along the tunnel</u> from the Home Agent. However, <u>the packets</u> that are to be <u>processed according to a proxy mode</u>, are therefore, <u>not</u> transmitted along the tunnel from the Home Agent. See, Applicant's specification, on page 8, lines 24-28 and Figure 3.

Likewise, the <u>transmission route of packets of a specific session is determined by a predetermined policy</u>. In <u>one instance</u>, the transmission route defined for the packets of a session will be as described in the Standards where <u>packets from a mobile station</u> that is connected to a Foreign Agent are <u>routed to their destinations and responses are sent to the Home Agent first and then tunneled</u> to the PDSN/Foreign Agent. In <u>another instance</u>, the transmission route defined for the packets of a session will be as described herein and will not be as defined in the Standards. In this instance, <u>the PDSN assumes a proxy role</u> where it receives the response directly <u>without any intervention on the part of the Home Agent</u>. See, for example, Applicant's specification, on page 9, line 22.

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In other words, a packet may be treated in one of at least two different ways. One treatment calls for following a Standard, such as the mobile IP standards. The other treatment calls for reverting to a proxy mode, *e.g.*, a default role in case of a particular service. See, for example, Applicant's specification, on page 8, lines 9-13.

The Examiner relies upon the *Borella* reference to teach the above set-forth features of independent claim 11. The Applicants respectfully submit that *Borella* fails to teach one or more features set forth above in claim 11, as amended. Accordingly, the Applicants disagree with the Examiner's rejection.

Borella is directed to <u>overriding a default</u> communications path when a <u>mobile</u> network device <u>roams away</u> from a home network to a foreign network. *Borella* <u>creates a new or a shortened</u> communications path at a mobile network device when the mobile network device has roamed from the home network to the foreign network. In *Borella*, <u>the mobile network device,</u> which has <u>roamed away,</u> <u>sends a request</u> to a foreign service application on the foreign network.

When the mobile network device has roamed from the home network to the foreign network, in *Borella*, <u>a request is sent from the mobile network device</u> to a foreign service application on a foreign network. In <u>this situation, a unidirectional virtual tunnel creates a new communications path</u> for the foreign service application to a tunnel server, to the foreign agent and to the mobile network device on the foreign network. See *Borella*, col. 14, lines 25-28, and lines 33-39. Accordingly, *Borella* teaches <u>overriding the default</u> communication path from a foreign service application on a foreign network to a Home Agent on the home network and to a

mobile network device on the foreign network <u>in response to the mobile network device roaming away from a home network</u> to the foreign network.

Borella does not determine how to handle a packet, for example, a user's packet based on a predetermined policy that the node may access from a policy server. Instead, if a request is sent from the mobile network device to the foreign service application on the foreign network, a new communication path is created, overriding the default communication path. As understood, *Borella* fails to teach or suggest a predetermined policy for a user and/or a session associated with a packet to selectively cause a node to transition into a role of a home network for the mobile station. Rather, roaming of the mobile network device from a home network to a foreign network triggers the overriding of the default communication path and creation of a new communication path. Therefore, *Borella* is completely silent with regard to a predefined policy that selectively causes a node to toggle between two different modes for handling or treating the user packets. To the contrary, *Borella* teaches that <u>the request during roaming decides whether the mobile network device should be provided the default or a new communication path</u>.

For at least the aforementioned reasons, Applicants respectfully submit that the present invention is not anticipated by *Borella* and request that the Examiner's rejection of claim 11 under 35 U.S.C. §102(e) be withdrawn. None of the cited references, considered either alone on or in combination, teach or suggest all of the claimed features of independent claim 11, as amended. Therefore, newly added claims 21-23 depending therefrom are also in condition for allowance, which is respectfully requested of the Examiner.

Consequently, Applicants respectfully request immediate reconsideration and allowance of their pending claims in the present application. Applicants also believe that a full and complete response has been made to the Office Action. The Examiner is respectfully requested to consider all the pending claims.

In view of these remarks, the application is now in condition for allowance and Examiners prompt action in accordance therewith is respectfully requested. If for any reason Examiner finds the application other than in condition for allowance, Examiner is respectfully requested to call the undersigned at the Houston, Texas telephone number (713) 934-4089 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

Date: 10/27/05

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